

Pub. L. 97-65, §8(2)(B), substituted language referring to Inspector General's authority to reviews, investigate, and conduct inspections of all phases of the Corporation's operations and activities for provisions which had formerly placed upon that official the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities.

Subsecs. (f) to (l). Pub. L. 97-65, §8(3), redesignated subsecs. (g), (h), (i), and (l) as (f), (g), (h), and (i), respectively. Former subsecs. (f) providing for the establishment of an Advisory Council, (j) providing limits for projects involving the exploration for or the mining of or other extraction of copper, and (k) prohibiting the granting of insurance, reinsurance, guaranty, financing, or other financial support for projects to establish or expand production or processing of palm oil, sugar, or citrus crops for export, were struck out.

1980—Subsec. (g). Pub. L. 96-327 substituted "Yugoslavia, Romania or the People's Republic of China" for "Yugoslavia or Romania".

1978—Subsec. (b). Pub. L. 95-268, §7(1), struck out provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (d). Pub. L. 95-598 substituted "any priority" for "the priority".

Pub. L. 95-268, §7(2), inserted provision relating to participation certificates as evidence of indebtedness held by Corporation for settlement of claims under section 2197(i) of this title.

Subsecs. (i) to (k). Pub. L. 95-268, §7(3), added subsecs. (i) to (k).

Subsec. (l). Pub. L. 95-268, §8, added subsec. (l).

1974—Subsec. (b). Pub. L. 93-390, §2(5)(A), inserted provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (h). Pub. L. 93-390, §2(5)(B), added subsec. (h). 1972—Subsec. (d). Pub. L. 92-310 struck out provisions which authorized the Corporation to require bonds of officers and employees and to pay premiums therefor.

Subsec. (g). Pub. L. 92-226 added subsec. (g).

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

#### TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### ENHANCEMENT OF NONGOVERNMENTAL SECTOR IN POLAND AND HUNGARY

Pub. L. 101-179, title III, §302(b), Nov. 28, 1989, 103 Stat. 1311, provided that: "In accordance with its man-

date to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy."

#### AVOIDANCE OF DUPLICATIVE AMENDMENTS

Pub. L. 101-179, title III, §302(c), Nov. 28, 1989, 103 Stat. 1311, provided that: "If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 [Pub. L. 101-167], contains the same amendment that is made by subsection (a) of this section [see 1989 Amendment note set out above], the amendment made by that Act shall not be effective."

### § 2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding

#### (a) In general

The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas. The Corporation shall allocate up to 50 per cent of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended, notwithstanding the requirements of section 2191(a) of this title, on such terms and conditions as the Corporation may determine, through loans, grants, or other programs authorized by section 2194 of this title and section 2194b of this title.

#### (b) Outreach to minority-owned and women-owned businesses

The Corporation shall collect data on the involvement of minority- and women-owned businesses in projects supported by the Corporation, including—

(1) the amount of insurance and financing provided by the Corporation to such businesses in connection with projects supported by the Corporation; and

(2) to the extent such information is available, the involvement of such businesses in procurement activities conducted or supported by the Corporation.

The Corporation shall include, in its annual report submitted to the Congress under section 2200a of this title, the aggregate data collected under this paragraph, in such form as to quantify the effectiveness of the Corporation's outreach activities to minority- and women-owned businesses.

(Pub. L. 87-195, pt. I, §240, as added Pub. L. 95-268, §9, Apr. 24, 1978, 92 Stat. 216; amended Pub. L. 99-204, §9(b)(3), Dec. 23, 1985, 99 Stat. 1673; Pub. L. 108-158, §6(a), Dec. 3, 2003, 117 Stat. 1950.)

## PRIOR PROVISIONS

A prior section 2200, Pub. L. 87-195, pt. I, §240, as added Pub. L. 91-175, pt. I, §105, Dec. 30, 1969, 83 Stat. 817; amended Pub. L. 92-226, pt. I, §104(c), Feb. 7, 1972, 86 Stat. 22; Pub. L. 93-189, §6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-390, §2(6), Aug. 27, 1974, 88 Stat. 768, provided for agricultural credit and self-help community development projects in Latin America, prior to repeal by Pub. L. 93-559, §8(b), Dec. 30, 1974, 88 Stat. 1797. See section 2182a of this title.

## AMENDMENTS

2003—Pub. L. 108-158 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1985—Pub. L. 99-204 inserted reference to section 2194b of this title.

**§ 2200a. Report to Congress****(a) Annual report**

After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 2199(h) of this title, of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 2199(i) of this title; or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

**(b) Effect of all projects on employment in United States to be included in annual report**

(1) Each annual report required by subsection (a) of this section shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1).

(3) In reporting the projections on employment required by this subsection, the Corporation shall specify, with respect to each project—

(A) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs;

(B) any jobs created by the project; and

(C) the country in which the project is located, and the economic sector involved in the project.

No proprietary information may be disclosed under this paragraph.

**(c) Repealed. Pub. L. 100-461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268-36**

**(d) Maintenance of records**

The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by subsection (c) of this section (as in effect before October 1, 1988), whether the information was collected by the Corporation itself or by a contractor; and

(2) a copy of the analysis of each project analyzed in preparing the reports required either by subsection (b) of this section, or by subsection (c) of this section (as in effect before October 1, 1988).

**(e) Assessment of cooperative political risk insurance program**

Each annual report required by subsection (a) of this section shall include an assessment of programs implemented by the Corporation under section 2194b(a) of this title, including the following information, to the extent such information is available to the Corporation:

(1) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was not permitted to provide under this subpart.

(2) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was permitted to provide under this subpart.

(3) The manner in which such private insurers and the Corporation cooperated in recovery efforts and claims management.

**(f) Information not required to be made available to public excluded from reports**

Subsections (b) and (e) of this section do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5 (relating to freedom of information).

(Pub. L. 87-195, pt. I, §240A, as added Pub. L. 91-175, pt. I, §105, Dec. 30, 1969, 83 Stat. 818; amended Pub. L. 93-390, §2(7), Aug. 27, 1974, 88 Stat. 768; Pub. L. 95-268, §10, Apr. 24, 1978, 92 Stat. 216; Pub. L. 97-65, §9, formerly §9(a), Oct. 16, 1981, 95 Stat. 1024, renumbered §9, Pub. L. 99-204, §17(c)(1), Dec. 23, 1985, 99 Stat. 1677; Pub. L. 99-204, §14(a), Dec. 23, 1985, 99 Stat. 1674; Pub. L. 100-461, title V, §555, Oct. 1, 1988, 102 Stat. 2268-36; Pub. L. 102-549, title I, §108, Oct. 28, 1992, 106 Stat. 3654.)